App. F. IX-4]

Previous References. 1941 ( ) Legis **File No.** 2-41

Serial Nos. 66

Later References.

13

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for May 1942

SUBJECT.

Further amendments to the Defence of India Rules ---(Rules, 81, 83 and 62A)

WD 03999—GPB—500—11-9-41

To. The Compiler, Mysore Gazette

No P. 2910 - Legis 2-41-66 dated 26th Dec 1941

Republishes the Notification

Amendments to the Defence of India Rul

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 . App. F. III-2

569/R-L

Serial No.

From
The Secretary to the Hon'ble the Resident in M-
Letter No. F.3-40(5)/N dated 17th Dec 194
Forwarding copies of Notifications by the
Govt of India regarding amendments to th
Defence of India Rules.

Submitted

The Residency have forwarded copies of
Notifications by the Govt of India, Defence & Re
natin Department, regarding amendme
to the Defence of India Rules.

As usual they will be republished in the Gaz
of Mysore for general information

A draft is put up for approval.

The amendments are to
23.12.41 BVN 23/12 rule 83, 81, 18, and addn
of a new rule 62-B.

The draft notification may be
approved.

Sd
23/12/41

Law Secy)

Hm
24.12.41.

Done
Sd
24.12.41

Issued No. p 2916/Reg.2-41-66 dated 26th Dec 1
to the Compiler, Mysore Gazette

If approved this file will be Recorded

20.
8-5-62
BVN
8/5

P.U.D.

SECY. LAW DEPT.
24 DEC. 1941
GOVT OF MYSORE

B
W.
8-5-62

NOTE—Contn. Sheet.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No. F.3-40(5)/W.

Dated Bangalore, the 17th December 1941

Amendments to the Defence of India Rules.

Attention is invited to notifications by the Government of India, Defence Co-ordination Department, Nos.900-SM/41, 899-SM/41, 1129-OR/41 and 1135-OR/41, dated the 29th November 1941, copies of which are enclosed.

for SECRETARY TO THE RESIDENT

Appendix F G–1]
R. A. & L. C.

SUBJECT.....

.....

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Section. Legis

File No.

Serial No.

No. P 2316 Encl

Diary No. of letter replied to .....

To Notification

The following notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information

General and Revenue Secretariat
R. A. & L. C.
( )

Date of issue 26/12/41

Signed by Shri. H.V. Narayana Rao

List of enclosures .....

Copied by .....

Examined by .....

By order
Hm
Secy to Govt
24.12.41

RV.
23-12-41
BDN
23/12

For Law Dept

To. The Compiler, Mysore Gazette

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No P 2916/Legis 2-41-66 General and Revenue Secretariat,

Dated Bangalore, 26th Dec 1941

NOTIFICATION.

The following notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

26.12.41.

Secretary to Government,
Law Department.

The Compiler, Mysore Gazette, for publication in part IV of the gazette and supplying 100 spare copies to the Secretariat.

Bs/2/26-12.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40 (5)/W, dated Bangalore, the 12th December 1941.

The following notifications of the Government of India, Defence Co-ordination Department, Nos. 900-SM/41, 899-SM/41, 1129-OR/41 and 1135-OR/41, dated the 29th November 1941, are republished.

P. M. RAMAN NAYAR,
for *Secretary to the Resident.*

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 29th November 1941.

No. 900-SM/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In sub-rule (3a) of rule 83 of the said Rules—

(a) after the words "The Central Government", the words "or the Provincial Government" shall be inserted;

(b) in clause (b) for the words "the Central Government", the words "that Government" shall be substituted.

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 29th November 1941.

No. 899-SM/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In rule 81 of the said Rules,—

(i) in sub-rule (2) after the words "Central Government" wherever they occur, the words "or the Provincial Government" shall be inserted,

(ii) in sub-rule (3),—

(a) after the words "Central Government" where they occur for the first time, and in clause (a) of the said sub-rule, after the words "by the Central Government", the words "or the Provincial Government" shall be inserted; and

(b) for the words "the Central Government may", the words "that Government may" shall be substituted.

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 29th November 1941.

No. 1129-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After clause (b) of rule 18 of the said Rules, the following clause shall be added, namely :—

"(c) delete any part of a telegraphic message which he considers to be prejudicial to the public safety or interest or to the defence of British India or to the efficient prosecution of war".

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT

NOTIFICATION

New Delhi, the 29th November, 1941.

No. 1135-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

Loading of ships".

After rule 62-A of the said Rules, the following rule shall be inserted, namely :—

62-B. (1) In this rule, unless the context otherwise requires,

(a) "the Act" means the Indian Merchant Shipping Act, 1923 ; XXI of 1923.

(b) "assigning authority" has the same meaning as in the load-line rules ;

(c) "load-line rules", "load-line certificate" and "international load-line certificate" have the same meanings as in the Act ;

(d) "unsafe ship" has the same meaning as in sub-section (1) of section 232 of the Act.

(2) Sub-section (1) of section 221 of the Act shall have effect, in relation to a ship to which this sub-rule applies, subject to the following amendments :—

(a) Where the ship is entitled under the load-line rules to be loaded to the depth indicated by the summer load-line prescribed by the said rules, the appropriate load-line for the purposes of the said sub-section shall be the tropical load-line so prescribed ;

(b) Where the ship is entitled under the load-line rules to be loaded to the depth indicated by the tropical load-line prescribed by the said rules, the appropriate load-line for the purposes of the said sub-section shall be the tropical fresh water load-line so prescribed.

(3) Subject to the provisions of this rule, sub-rule (2) shall apply to all British ships registered in British India (not being exempt from the provisions of Part V of the Act, relating to load-lines) with such exceptions and subject to such restrictions as may be specified in a general or special order by the Central Government.

(4) Sub-rule (2) shall not apply to a ship unless the load-line certificate issued in respect thereof bears an endorsement in the prescribed form signed by or on behalf of an assigning authority stating—

(a) that the ship is one to which the said sub-rule applies

(b) the effect of the said sub-rule

(c) any restrictions specified in any such order subject to which the said sub-rule applies to the ship.

(5) A certificate issued in respect of a ship shall not be endorsed by or on behalf of an assigning authority in pursuance of sub-rule (4) unless the authority is satisfied that the ship, if loaded in accordance with sub-section (1) of section 221 of the Act, [as amended by sub-rule (2)], will not be an unsafe ship.

(6) It shall be the duty of the owner of every ship mentioned in sub-rule (3) not being a ship excepted by an order made by the Central Government under that sub-rule, to apply in writing to an assigning authority within the prescribed time for endorsement of the ship's load-line certificate in pursuance of sub-rule (4).

(7) After receiving any such application with respect to a ship, the assigning authority may by order in writing served on the owner or master of the ship exercise all or any of the following powers, namely :—

(a) require such documents and information with respect to the ship as may be specified in the order to be delivered to it within such period as may be so specified ;

(b) require the ship to be submitted for survey at such place and within such period as may be so specified ;

(c) in a case where it appears to the assigning authority (whether as the result of a survey or otherwise) that the ship, if loaded as mentioned in sub-rule (5) would be an unsafe ship, require the ship, within such period as may be so specified, to be altered in such manner, or to be equipped with such apparatus, contrivances or appliances, as may be so specified, being alterations or equipment which in its opinion will cause the ship not to be an unsafe ship if loaded as aforesaid ;

(d) require the ship's load-line certificate to be delivered to it for endorsement within such period as may be so specified.

(8) The provisions of clause (ii) of sub-section (1) of section 224-C and sub-section (1) of section 224-D of the Act shall in the case of a ship the load-line certificate of which has been endorsed by virtue of sub-rule (4), have effect as if the particulars mentioned in the said provisions included particulars of the endorsement.

(9) Where the load-line certificate of a ship has been endorsed by virtue of sub-rule (4) and the ship ceases, by virtue of an order under sub-rule (3) to be a ship to which sub-rule (2) applies, the owner of the ship shall forthwith deliver up the certificate to an assigning authority who shall cancel the endorsement.

(10) Where the Central Government is satisfied that provision has been made by the law of any country to which the International Convention respecting Load-Lines, 1930, applies similar to the provisions of sub-rule (2) and for the endorsement of load-line certificates of ships of that country in manner similar to that required by sub-rule (4) it may by order direct that, where a certificate issued in respect of a ship of that country bears such an endorsement in such form as may be specified in the order, the certificate—

(a) shall be deemed for the purposes of Part V of the Act, to be a valid international load-line certificate, notwithstanding that it bears the endorsement, if, but for the endorsement, it would be such a certificate; and

(b) shall have effect, for the purposes of the said Part V, as varied by the endorsement.

(11) Where an order is in force under sub-rule (10) as respects ships of any country, section 224-I of the Act shall have effect in relation to any such ship as if the following sub-clause were substituted for sub-clause (a) of clause (ii) thereof, namely :—

(a) in case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load-line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled to be loaded;'

(12) If any person contravenes any of the provisions of this rule, he shall be punishable with fine which may extend to one thousand rupees."

A. DEC. WILLIAMS,
Secretary to the Government of India.

964 (5)—16-12-1941—15—RPB.

NOTIFICATION.

No. P. 2916—*Legis., dated Bangalore, the 26th December* 1941.

The following notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 29th November 1941.

No. 900-SM/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely:—

In sub-rule (3 a) of rule 83 of the said Rules—

(*a*) after the words "The Central Government", the words "or the Provincial Government" shall be inserted;

(*b*) in clause (b) for the words "the Central Government", the words "that Government" shall be substituted.

A. DEC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 29th November 1941.

No. 899-SM/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In rule 81 of the said Rules,—

(i) in sub-rule (2) after the words "Central Government" wherever they occur, the words "or the Provincial Government" shall be inserted,

(ii) in sub-rule (3),—

(*a*) after the words "Central Government" where they occur for the first time, and in clause (a) of the said sub-rule, after the words "by the Central Government", the words "or the Provincial Government" shall be inserted: and

(*b*) for the words "the Central Government may", the words "that Government may" shall be substituted.

A. DEC. Williams,

Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 29th November 1941.

No. 1129-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After clause (*b*) of rule 18 of the said Rules, the following clause shall be added, namely:—

"(*c*) delete any part of a telegraphic message which he considers to be prejudicial to the public safety or interest or to the defence of British India or to the efficient prosecution of war."

A. DEC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 29th November 1941.

No. 1135-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

After rule 62-A of the said Rules, the following rule shall be inserted, namely:— "Loading of ships."

62-B. (1) In this rule unless the context otherwise requires, XXI of 1923.

(*a*) "the Act" means the Indian Merchant Shipping Act, 1923;

(*b*) "assigning authority" has the same meaning as in the load-line rules;

(*c*) "load-line rules," "load-line certificate", and "international load-line certificate" have the same meanings as in the Act;

(*d*) "unsafe ship" has the same meanings as in sub-section (1) of section 232 of the Act.

(2) Sub-section (1) of section 221 of the Act shall have effect, in relation to a ship to which this sub-rule applies, subject to the following amendments:—

(*a*) Where the ship is entitled under the load-line rules to be loaded to the depth indicated by the summer load-line prescribed by the said rules, the appropriate load-line for the purpose

of the said sub-section shall be the tropical load-line so prescribed;

(*b*) Where the ship is entitled under the load-line rules to be loaded to the depth indicated by the tropical load-line prescribed by the said rules, the appropriate load-line for the purposes of the said sub-section shall be the tropical fresh water load-line so prescribed.

(3) Subject to the provisions of this rule, sub-rule (2) shall apply to all British ships registered in British India (not being exempt from the provisions of Part V of the Act, relating to load-lines) with such exceptions and subject to such restrictions as may be specified in a general or special order by the Central Government.

(4) Sub-rule (2) shall not apply to a ship unless the load-line certificate issued in respect thereof bears an endorsement in the prescribed form signed by or on behalf of an assigning authority stating—

(*a*) that the ship is one to which the said sub-rule applies;

(*b*) the effect of the said sub-rule;

(*c*) any restrictions specified in any such order subject to which the said sub-rule applies to the ship.

(5) A certificate issued in respect of a ship shall not be endorsed by or on behalf of an assigning authority in pursuance of sub-rule (4) unless the authority is satisfied that the ship, if loaded in accordance with sub-section (1) of section 221 of the Act, [as amended by sub-rule (2)], will not be an unsafe ship.

(6) It shall be the duty of the owner of every ship mentioned in sub-rule (3) not being a ship excepted by an order made by the Central Government under that sub-rule, to apply in writing to an assigning authority within the prescribed time for endorsement of the ship's load-line certificate in pursuance of sub-rule (4).

(7) After receiving any such application with respect to a ship, the assigning authority may, by order in writing served on the owner or master of the ship, exercise all or any of the following powers, namely:—

(*a*) require such documents and information with respect to the ship as may be specified in the order to be delivered to it within such period as may be so specified;

(*b*) require the ship to be submitted for survey at such place and within such period as may be so specified;

(*c*) in a case where it appears to the assigning authority (whether as the result of a survey or otherwise) that the ship, if loaded as mentioned in sub-rule (5) would be an unsafe ship, require the ship, within such period as may be so specified, to be altered in such manner, or to be equipped with such apparatus, contrivances or appliances, as may be so specified, being alterations or equipment which in its opinion will cause the ship not to be an unsafe ship if loaded as aforesaid;

(*d*) require the ship's load-line certificate to be delivered to it for endorsement within such period as may be so specified.

(8) The provisions of clause (ii) of sub-section (1) of section 224-C and sub-section (1) of section 224-D of the Act shall in the case of a ship the load-line certificate of which has been endorsed by virtue of sub-rule (4), have effect as if the particulars mentioned in the said provisions included particulars of the endorsement.

(9) Where the load-line certificate of a ship has been endorsed by virtue of sub-rule (4) and the ship ceases, by virtue of an order under sub-rule (3) to be a ship to which sub-rule (2) applies, the owner of the ship shall forthwith deliver up the certificate to an assigning authority who shall cancel the endorsement.

(10) Where the Central Government is satisfied that provision has been made by the law of any country to which the International Convention respecting Load-Lines, 1930, applies similar to the provisions of sub-rule (2) and for the endorsement of load-line certificates of ships of that country in manner similar to that required by sub-rule (4) it may by order direct that, where a certificate issued in respect of a ship of that country bears such an endorsement in such form as may be specified in the order, the certificate—

(*a*) shall be deemed for the purposes of Part V of the Act, to be a valid international load-line certificate, notwithstanding that it bears the endorsement, if, but for the endorsement, it would be such a certificate; and

(*b*) shall have effect, for the purposes of the said Part V as varied by the endorsement.

(11) Where an order is in force under sub-rule (10) as respects ships of any country, section 224-I of the Act shall have effect in relation to any such ship as if the following sub-clause were substituted for sub-clause (a) of clause (ii) thereof, namely:—

(*a*) in case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load-line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled to be loaded:'

(12) If any person contravenes any of the provisions of this rule, he shall be punishable with fine which may extend to one thousand rupees."

A. DEC. Williams,
Secretary to the Government of India.

Printed by the Superintendent at the Government Press, Bangalore.